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February 1, 2012

**ELECTRONICALLY FILED VIA ECF**

The Honorable E. Thomas Boyle  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: *EasyWeb Innovations, LLC v. Facebook, Inc.*,  
Civil Action No. 2:11-cv-5121-JFB-ETB

Dear Judge Boyle:

I write on behalf of Plaintiff EasyWeb Innovations, LLC (“EasyWeb”) in advance of the currently scheduled February 8, 2012 scheduling conference in the above captioned case. Despite EasyWeb’s repeated requests to Defendant Facebook, Inc. (“Facebook”) to participate in the required discovery conference under Federal Rule of Civil Procedure 26(f), Facebook has refused to hold such a conference with EasyWeb. Facebook contends that such a conference is not appropriate at this time because of Facebook’s Rule 12(b)(6) motion that is currently pending before Judge Bianco. Accordingly, the parties have been unable to proceed with discovery or even to discuss a discovery plan and schedule.

EasyWeb believes that it is more efficient for the parties and the Court to move forward with discovery now, rather than delay this case pending briefing on Facebook’s motion, which is set for oral argument before Judge Bianco on April 5, 2012. EasyWeb’s amended complaint identifies five patents that Facebook infringes, as well as the Facebook products and services accused of infringement. The parties will have no difficulty conducting discovery on those patents and the accused products.

Moreover, a related case involving the same five patents — *EasyWeb Innovations, LLC v. Twitter, Inc.*, Civil Action No. 2:11-cv-4550-JFB-WDW — is currently pending before Judge Bianco. That case, which was filed only a month before this action, is set for pretrial conference on October 3, 2012. EasyWeb believes that it would be more efficient for the parties and the Court if this case proceeds on a similar schedule to the Twitter action, so that the Court may address and resolve common issues as they arise.

Because the parties have not conferred pursuant to Rule 26(f), EasyWeb proposes that the Court adopt the same schedule currently in place for the *Twitter* action. A copy of the *EasyWeb*

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*v. Twitter* schedule is attached to this letter. That schedule provides plenty of time for the parties to conduct both fact and expert discovery and to prepare for trial.

Respectfully submitted,

/s/ Alan S. Kellman

Alan S. Kellman

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*EASYWEB INNOVATIONS, LLC*

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